IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 1023 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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USHABEN JAYANTIBHAI MAKWANA

Versus

JAYANTIBHAI BABUBHAI MAKWANA

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Appearance:

1. Misc.Civil Application No. 1023 of 2004

MR UDAYAN P VYAS for Petitioner No. 1

SERVED BY AFFIX.-(R) for Respondent No. 1

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CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 10/09/2004

ORAL JUDGEMENT

Though served, the respondent is not appearing in this matter.

By filing this petition, the petitioner, who is the wife of the respondent, has prayed that HMP No.110 of 2003, which is pending before the Court of Civil Judge (S.D.), Bhavnagar be transferred to the Court of Civil Judge (S.D.), Surat.

The case of the applicant-wife is that she finds it difficult to attend the proceedings at Bhavnagar, as she has to look after a child of tender age, since, according to the petitioner, the child is two-and-a-half years of age. It is submitted that there is no one to accompany her. It is submitted that the husband has filed the said proceedings before the Court of Civil Judge (S.D.), Bhavnagar for getting a decree for restitution of conjugal rights.

Considering the averments made in the application and considering the submissions of the applicant and considering the difficulties pointed out by the learned advocate for the applicant, HMP No.110 of 2003, which is pending before the Court of Civil Judge (S.D.), Bhavnagar, is ordered to be transferred to the Court of Civil Judge (S.D.), Surat. After such transfer, the Court of Civil Judge (S.D.), Surat is directed to proceed with HMP No.110 of 2003 and decide the same in accordance with law.

Accordingly, this Misc.Civil Application is allowed. Rule is made absolute. No costs.

Writ to be sent to the Court of Civil Judge (S.D.), Bhavnagar, forthwith for transferring HMP No.110 of 2003 to the Court of Civil Judge (S.D.), Surat.

(P.B.Majmudar,J.)

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